

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

BROADCAST MUSIC, INC., et al.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.:
)	3:07-cv-00921-MHT
)	
FOURTH QUARTER, INC. d/b/a SKYBAR)	
CAFÉ, PATRICK J. GRIDER AND DANIEL)	
GRIDER, each individually.)	
)	
Defendants.)	

PLAINTIFFS' INITIAL DISCLOSURES

In accordance with Federal Rule of Civil Procedure 26, Plaintiffs ("BMI") submit the following Initial Disclosures:

I. Persons with relevant information

BMI believes that the following individuals may have discoverable, non-privileged personal knowledge about significant factual issues specifically raised in the pleadings and/or identified by the parties in their report to the Court:

1. All persons identified in the pleadings of this case.
2. All persons identified in the defendants' Initial Disclosures.
3. Barry Seidel
c/o Mark V. Lindsay, Esq.
Johnston Barton Proctor & Rose LLP
Colonial Brookwood Center
569 Brookwood Village, Suite 901
Birmingham, AL 35209

BMI believes that Mr. Seidel has non-privileged, personal knowledge of the factual basis for some or all of BMI's claims against the defendants.

4. Kerri Howland-Kruse
c/o Mark V. Lindsay, Esq.
Johnston Barton Proctor & Rose LLP
Colonial Brookwood Center
569 Brookwood Village, Suite 901
Birmingham, AL 35209

BMI believes that Ms. Howland-Kruse has non-privileged, personal knowledge of the factual basis for some or all of BMI's claims against the defendants.

5. Larry Stevens
c/o Mark V. Lindsay, Esq.
Johnston Barton Proctor & Rose LLP
Colonial Brookwood Center
569 Brookwood Village, Suite 901
Birmingham, AL 35209

BMI believes that Mr. Stevens has non-privileged, personal knowledge of the factual basis for some or all of BMI's claims against the defendants.

By listing these individuals, BMI does not waive the attorney-client privilege or the provisions of Rule 4.2 of the Alabama Rules of Professional Conduct, where applicable. BMI further reserves the right to amend this list of people who may have information regarding this case as discovery continues.

II. Documents

BMI may use the following documents, data compilations and tangible things that are in its possession, custody or control to support its defenses in this action:

1. Documents showing that public performances of certain music took place.
2. Correspondence between BMI and the defendants.
3. Telephone logs of calls made from BMI to defendants.
4. Chain of ownership for each of the compositions at issue.

5. Documents concerning communications between BMI and the Alabama Alcoholic Beverage Control Board and the Alabama Secretary of State.

By listing these documents, BMI does not waive the attorney-client privilege or work product doctrine.

III. Damages

BMI alleges 20 claims of copyright infringement based upon defendants' unauthorized public performance of musical compositions from the BMI repertoire. BMI seeks statutory damages, within the statutorily prescribed limits of \$750 and \$30,000 for each infringement, the amount of any statutory damages are within the discretion of this Court. 17 U.S.C. § 504(c). If the Court finds the infringement was committed willfully, the Court may increase its award of statutory damages to a sum of not more than \$150,000 per infringement. 17 U.S.C. §504(c).

IV. Insurance agreement

Any insurance agreement BMI may have is not applicable in this case.

By: /s/ Mark V. Lindsay
Gilbert E. Johnston, Jr. (JOH023)
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Attorneys for Plaintiffs

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OF COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of January 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Davis B. Whittelsey
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/s/ Mark V. Lindsay
Mark V. Lindsay
One of the Attorneys for Plaintiffs
Admitted Pro Hac Vice